

VOLUME 2

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF MARYLAND

COPY

MICHAEL HACKLEY, et al :

Plaintiffs :

vs. : Case No. JFM 02-CV-3363

LVL X, INC., et al :

Defendants :

Continued Deposition of MALINDA STEWARD

Largo, Maryland

Tuesday, June 24, 2003

11:25 a.m.

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Reported by: Dawn M. Hart, RPR-RMR, Notary Public



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DEPOSITION OF MALINDA STEWARD, VOL. 2
CONDUCTED ON TUESDAY, JUNE 24, 2003

5 (Pages 66 to 69)

<p style="text-align: right;">66</p> <p>1 A Okay. No. 11 was retained in conjunction 2 with No. 8 -- 3 Q (Nods head.) 4 A -- which was in error. 5 Q Is your answer to -- well, let me just -- 6 I'll just restate my question just to, as a matter 7 of record, I have to make -- what was -- okay. So 8 you're saying the extent of the processing of No. 9 11, was it just kept with No. 8 so to speak? 10 A Right. 11 Q So is it fair to say, and I've already 12 asked you in an open format, so it's fair to say 13 that No. 11 was not processed -- 14 A No. 15 Q -- through your office? 16 A No, No. 11 was not processed in our 17 system. 18 Q That's all I have for No. 11. 19 As far as you know, Miss Steward, No. 11 20 was the first set of plans which was not processed 21 and that also had changes to the plans themselves? 22 You know what I mean by that? Or maybe I'm using</p>	<p style="text-align: right;">68</p> <p>1 electrical contractor, you know, below the 2 signatures. The seals that were on the original 3 should have been the seals on the set that was 4 restamped. We restamped a duplicate. 5 MS. WESTERVELT: Could you just say for 6 the record what exhibit you're talking about? 7 THE WITNESS: Exhibit 8. 8 Q All right. What's the next, if any, 9 permit application made in this case that might be 10 contained in your file there, if you know? 11 A Okay. 25430-2002 was the next, was the 12 next application made. 13 Q If you could get the documents together 14 for that, that would be great. 15 A This is like the other one, Work Space 16 showing the application with the permit number, the 17 street address for this case, and this showed the 18 date of the application, which was July 26th, 2002, 19 but that's what those two sheets are. 20 MR. JOHNS: Okay. I'm going to go ahead 21 and staple these together and mark it as No. 12. 22</p>
<p style="text-align: right;">67</p> <p>1 the wrong term. Changes? 2 A Uh-huh. There were changes, there were 3 visible alterations to the plans. 4 Q And that's the first set that this office 5 saw that we can tell the documents today that had 6 changes as you described? 7 A Have visible alterations. 8 Q Visible alterations, okay. 9 A Uh-huh. 10 Q And for what permit number was that 11 brought here? You said it was 25430? 12 A No, I don't -- 13 Q Oh, that was -- 14 A That one. 15 Q -- not assigned? 16 A Since it did not make it into the system, 17 it was retained along with this set. They brought 18 these two in together. 19 Q And why was it retained? 20 A Because this was restamped in error by the 21 County. It required an architect's seal. Every 22 plan should be sealed by the architect or the</p>	<p style="text-align: right;">69</p> <p>1 (Exhibit No. 12 was marked for identification 2 and was retained by counsel for copying.) 3 BY MR. JOHNS: 4 Q What else do you have? 5 A These are case comments associated with 6 that permit number. Just a little history of 7 activity on it. 8 MR. JOHNS: I'll go ahead and mark that 9 No. 13. 10 (Exhibit No. 13 was marked for identification 11 and was retained by counsel for copying.) 12 A And I'm sure within this file is the 13 original permit application. 14 BY MR. JOHNS: 15 Q Do you have the -- that's the, that's the 16 permit issued, or -- 17 A Permit application. 18 Q Oh, I see. Is this the last permit issued 19 in this case, the 25430? 20 A Okay, the permit wasn't issued. That's 21 the last application made. 22 Q Oh, I see.</p>

<p style="text-align: right;">90</p> <p>1 ever any confusion over that, that Mr. Hackley 2 claimed the plans as his at issue in this case? 3 A Okay. When you say confusion, what do you 4 mean? 5 Q Well, were you -- did you see anything or 6 hear anything which confused you on that that 7 Mr. Hackley allegedly prepared the plans? 8 MS. WESTERVELT: Objection. Which plans? 9 Q Well, we can start any of the plans, 10 except for the revisions made that we talked about, 11 you know, the hand -- I think Mr. Reese brought in 12 some plans with some revisions on it. 13 A Okay. To the best of my judgment, all 14 four sets have Mr. Hackley's title block so there 15 was no reason for me to assume that he did not have 16 some involvement with those plans. 17 Q Next question, just to finish up here. On 18 Permit No. 16554 -- and we can get the permit if you 19 want to look at it, of course, and I only -- this 20 will probably be my last question -- 2002-01, do you 21 know that permit, that one? 22 A That's the revision.</p>	<p style="text-align: right;">92</p> <p>1 Q Here, let me do it this way because you've 2 got better eyes for this than I do since you do this 3 a lot. 4 (Handing.) 5 Here you go. 6 A (Reviewing.) 7 Let's see. Here's the 01 permit was 8 revoked, and the comment to the file, revoked, needs 9 to see plans on job site. George Tucker placed a 10 stop work order on a job, was not sure if it 11 pertained to this permit. But it was primarily 12 pulled back because the plans that were restamped, 13 which is what this revision is for, did not have the 14 proper seals on them. 15 Q Okay. Can you explain that again, please? 16 You said the plans -- just so I can understand what 17 you mean, you said the plans that -- 18 A Uh-huh. The revision was for a change in 19 applicant and a restamping of the plans. In fact 20 the permit itself says for a restamp, revised to 21 restamp plans and engineer plans. 22 When you come in for a stamp, what you're</p>
<p style="text-align: right;">91</p> <p>1 Q Right. That -- is that the one that 2 was -- hold on a second. 3 (Retrieving.) 4 I'm talking about the one relating to the 5 application for Exhibit No. 26, right there. 6 (Handing.) 7 A (Reviewing.) 8 Okay, this is the revision. 9 Q Now, a permit was issued for that 10 particular application, do you recall? 11 A Yes. I believe within your file should be 12 a permit for the, the 01. 13 Q Okay. And what caused the 01 permit 14 relating to that exhibit you have there to no longer 15 be a viable permit, if you know? 16 A In your piece of paper I gave you should 17 show the 01. 18 Q Okay. 19 A I believe it's shown as -- 20 Q Here's an 01 right here. I don't know if 21 you're -- this is one of them, Exhibit 21. 22 A Okay. You should have --</p>	<p style="text-align: right;">93</p> <p>1 getting restamped is a duplicate set of the original 2 plans that were submitted to this office. So it 3 would require all of the seals on it that were on 4 the original one. Every sheet should be exactly the 5 same as the set that we stamped here. Then we'll 6 restamp the duplicate. 7 What we found out was that the seals were 8 not there. The engineer's seal -- I'm sorry, the 9 architect's seal and the seal of the electrical 10 engineer, whoever sealed the original set should 11 have sealed the second set because that would make 12 it a duplicate. 13 Q And why would the person typically need to 14 come in for a restamp? 15 A We're told that they've either lost it, it 16 was stolen off their site, or sometimes the person 17 that -- you may get involved in the job, you'll get 18 involved in a job at a later stage and somehow they 19 didn't give you the set of plans. But a set of the 20 signed and sealed and approved plans must be on site 21 for the inspector, so that's why they come in and 22 get a set from us, another set from us.</p>